



875670

DFT 002498

PUGET SOUND AIR POLLUTION CONTROL AGENCY,
a municipal corporation of the State of
Washington, 410 West Harrison Street,
P. O. Box 9863, Seattle, Washington 98109

VS

ATLAS BUILDING WRECKERS, INC.
c/o Irving Koths, Registered Agent
101 East Main Street
Morton, Washington 98356

ATLAS BUILDING WRECKERS, INC.
2035 No. Willamette Boulevard
Portland, Oregon 97217

BILL SIMON

(b) (6)
Lynnwood, Washington 98036

J. DESIMONE ESTATE, Property Owner/Lessor
c/o Robert Reynolds, Vice-President
Rainier National Bank - Trust Division
P. O. Box 3966
Seattle, Washington 98124

NO. 5134

NOTICE AND ORDER OF
CIVIL PENALTY

You are hereby notified that, pursuant to RCW 70.94 and Regulation I, you are in violation of Sections 8.02(1) and 8.02(3) of Regulation I, and a fine of \$250.00 is assessed against you. The violations are as follows:

1. On or about the 26th day of May, 1981, in King County, State of Washington, you violated Section 8.02(1) by causing or allowing an outdoor fire near 10090 - 27th Avenue South, Seattle, Washington, an area where the Board has prohibited outdoor burning under Section 11.01.

<u>Time</u>	<u>Description</u>	<u>N/V#</u>
11:04 a.m.	Outdoor Fire in the Non-attainment (Burning Prohibited) Area of King County.	17964

2. On or about the 26th day of May, 1981, in King County, State of Washington, you violated Section 8.02(3) by causing or allowing an outdoor fire near 10900 - 27th Avenue South, Seattle, Washington, containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics or a substance other than natural vegetation which normally emits dense smoke or obnoxious odors.

<u>Time</u>	<u>Description</u>	<u>N/V#</u>
11:04 a.m.	Outdoor Fire Containing Prohibited Materials, Including Garbage, Cans, Paper Products, Rags/Old Clothing.	17964

Such penalty is due and payable within 30 days of receipt of this notice, unless within such time a request for hearing is filed. (See attachment for hearing procedure).

If such penalty is not paid on or before the last mentioned date, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 16th day of June

1981

Certified Mail No. P22 9018553

P22 9018554
P22 9018555 P22 9018556

cc: Kenworth Truck Company
Attn: Dan Smith
P. O. Box 80222
Seattle, WA 98108

A. R. Danunkochler
Air Pollution Control Officer

DFT 002499

The Pollution Control Hearings Board (PCHB) was created in 1970 by the legislature to hear appeals from orders and decisions of air pollution control authorities and of the State Department of Ecology. The PCHB is an independent agency, separate and distinct from any other unit of government in the state. ALL APPEALS MUST BE FILED DIRECTLY WITH THE PCHB. A COPY ALSO MUST BE FILED WITH THE PUGET SOUND AIR POLLUTION CONTROL AGENCY.

The outline below is intended to help you understand the four basic steps required to file an appeal. Required procedures are detailed in state law (RCW 43.21B), and the PCHB's own regulations (Washington Administrative Code 371-08). Those who wish to appeal any actions of the Puget Sound Air Pollution Control Agency (PSAPCA) are urged to consult these documents (Brief excerpts are printed below).

- A. Appeals of any PSAPCA orders, Civil Penalties, or other decisions must be filed with the PCHB within thirty (30) days of receipt of the PSAPCA action (See WAC 371-08-080 and RCW 43.21B.230 which are printed below).
- B. A Notice of Appeal must contain at least the information required by WAC 371-08-075 (printed below).
- C. The original and one copy of a Notice of Appeal must be filed with:

CLERK OF THE BOARD
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON M/S PY-21
4224 - 6TH AVENUE S.E.
BUILDING #2, ROWE SIX
LACEY, WASHINGTON 98504

- D. An additional copy of the Notice of Appeal must be filed with:

Air Pollution Control Officer
Puget Sound Air Pollution Control Agency
410 West Harrison Street
P.O. Box 9863
Seattle, Washington 98109

All notices of actions in connection with the appeal (date and place of hearings, findings, etc.) will be issued by the PCHB with copies to the person filing the appeal and to PSAPCA.

EXCERPTS FROM CHAPTER 371-08, WAC CONCERNING "NOTICE OF APPEAL" AND "REQUEST FOR HEARING" PROCEDURES AND RCW 43.21B.230

I. WAC 371-08-075 APPEALS TO THE BOARD - CONTENTS OF NOTICE OF APPEAL

The Notice of Appeal shall contain:

1. The name and mailing address of the appealing party, and the name and address of his/her representative, if any;
2. The appealing party's legal residence or principal place of business within the state;
3. A copy of the order of decision appealed from, and if the order or decision followed an application, a copy of the application;
4. The grounds upon which the appealing party considers such order or decision to be unjust or unlawful, and if one of the grounds so asserted is failure to comply with RCW 43.21C.030(2)(c)(SEPA), three copies of any environmental impact statement if available to appellant;
5. A statement of facts in support of each ground stated;
6. The relief sought, including the specific nature and extent;
7. A statement that the appealing party has read the Notice and believes the contents to be true, followed by his/her signature and the signature of his/her representative, if any. If the appealing party is unavailable to sign the Notice of Appeal, it may be signed by his/her representative.

II. WAC 371-08-080 TIME FOR FILING APPEALS

The Notice of Appeal shall be filed within thirty days from the date the copy of the order or decision of the Department or other state agency or pollution control board (or authority) was communicated to the appealing party. The original and one copy of the Notice of Appeal shall be filed, by mail or otherwise, with the Clerk of the Board, and one copy shall be filed, by mail or otherwise, with the Director of Ecology. If the appeal involves a license or permit, a copy of the Notice of Appeal shall also be mailed to the holder thereof. If the decision or order appealed from is made by another state agency or an air pollution control board (or authority), a Notice of Appeal shall also be filed with that agency or board (or authority). The Clerk shall forthwith acknowledge receipt of the appeal filed, and his/her stamp placed thereon shall be prima facie evidence of the date of receipt. The Board may thereafter require additional copies to be filed.

III. RCW 43.21B.230 APPEAL FROM NOTICES OF DENIAL OR DETERMINATION OR ORDER, PROCEDURE - FORMAL OR INFORMAL HEARING, WHEN

Any person having received notice of a denial of a petition, a notice of determination, notice of or an order made by the department under the provision of or an order made by the department under the provisions of this 1970 amendatory act may appeal, within thirty days from the date of the notice of such denial, order, or determination to the hearings board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to Chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board. If the person intends that the hearing before the hearings board be a formal one, the notice of appeal shall so state. In the event that the notice of appeal does not so state, the hearing shall be an informal one: Provided, however, that nothing shall prevent the department or the air pollution control authority, as the case may be, within ten days from the date of its receipt of the notice of appeal, from filing with the clerk of the hearings board notice of its intention that the hearing be a formal one."